FE Sent For:

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB237)

| Received: 03/29/99 | | | | Received By: kunkemd | | | |
|--|---------------------|---------------------|---------------------|--------------------------------|--|------------------------|-----------------|
| Wanted: Today For: Gregg Underheim 6-1946 | | | | | Identical to LRB: | | |
| | | | | | By/Representing: Ron Sklansky (LC) Drafter: kunkemd Alt. Drafters: | | |
| This file may be shown to any legislator: NO May Contact: | | | | | | | |
| | | | | Subject: Occupational Reg misc | | | |
| Pre To | pic: | | | | | | |
| No spec | ific pre topic g | given | | | | | |
| Topic: | | | | , | | | |
| Education | onal and exam | ination requiren | nents | | | | |
| Instruc | tions: | | | | | | |
| See Atta | ached | | | | · | | |
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| Draftin | g History: | | | | | | , |
| Vers. | Drafted | Reviewed | <u>Typed</u> | Proofed | Submitted | <u>Jacketed</u> | <u>Required</u> |
| /? | kunkemd 03/29/99 | jgeller 03/29/99 | | • | | | |
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| Wanted: Today For: Mark Miller (608) 266-5342 This file may be shown to any legislator: NO May Contact: Subject: Occupational Reg misc | | | | Identical to LRB: By/Representing: Lisa Boyce Pun Prafter: kunkemd | | | | | | | |
| | | | | | | | | | Drafter: kunkemd Schansky | | |
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| Draftin | g History: | | - | | | | | | | | |
| Vers. | <u>Drafted</u> | Reviewed | Typed | Proofed | Submitted | <u>Jacketed</u> | Required | | | | |
| /? | kunkemd 03/29/99 | jgeller 03/29/99 | | | | | | | | | |
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| Wanted: Today | Identical to LRB: | | | |
| For: Mark Miller (608) 266-5342 | By/Representing: Lisa Boyce | | | |
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| May Contact: | Alt. Drafters: | | | |
| Subject: Occupational Reg misc | Extra Copies: | | | |
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| Pre Topic: | | | | |
| No specific pre topic given | | | | |
| Topic: | | | | |
| Educational and examination requirements | | | | |
| Instructions: | | | | |
| See Attached | | | | |

Drafting History:

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<u>Drafted</u> <u>Reviewed</u>

Typed

Proofed Submitted

Jacketed

Required

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kunkemd

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- HIS OF
STATE REPRESENTATIVE

MARK MILLER

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commodment to HB37 per
the sharings tring solihiercal
to you by Lisa Boyce
from Quarles + Brady.

State Capitol Address: P.O. Box 8953 Madison, Wisconsin 53708

(608) 266-5342 • Fax: (608) 282-3648

E-Mail: rep.miller@legis.state.wi.us • Web Site: www.miller4wi.org

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Proposed Substitute Amendment to AB 237: Education and Examination Requirements for Massage Therapists

Proposed changes to the original bill would:

- 1. Address the concerns of the VTAE (voc tech) System about the bill, as expressed to Chairperson Underheim and Committee members. Rather than the course of instruction in massage therapy having to be at schools of massage therapy, an approved course of instruction would be acceptable under the substitute amendment. The school then could be a massage therapy one or, for example, a VTAE school. We are advised Regulation and Licensing Secretary Cummings supports this change to AB 237.
- 2. Specify in the statutes 3 alternative ways for a massage therapist applicant to become certified in Wisconsin as of March 1st, 2000 when an examination requirement of the department goes into effect (see admin rule RL 91.01 (3)(e). Those 3 options are:
 - 1. Passage of the national exam, which 22 of the 29 states (plus DC) that regulate massage therapy utilize.
 - 2. Passage of a new national exam that oriental massage therapists and bodyworkers will soon have nationally recognized.
 - 3. Passage of a comparable exam developed and administered by the Department of Regulation and Licensing, if the department wishes to pursue that approach.
- 3. Adds to the statutes express authority for the Department of Regulation and Licensing to also do an exam for all applicants concerning their knowledge of Wisconsin laws and administration rules regarding massage therapy and bodywork. With the Department of Reg and Licensing moving in this direction, the thought was that it would be beneficial to address the subject expressly in the statutes.
- 4. The Substitute Amendment then will deal with both the education and examination requirements for massage therapists in Wisconsin. In order for consumers of health care services from massage therapists to be assured of the basic competency of the individual from whom they are receiving care, both education and testing requirements need to be addressed.

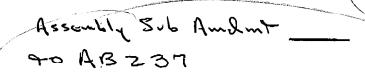
Your support for the Substitute Amendment is respectfully requested.

1999 - 2000 LEGISLATURE

LRB-1252/1 MDK:jlg:km

1999 ASSEMBLY BILL 237

50037



March 23, 1999 – Introduced by Representative Underheim, cosponsored by Senator Roessler. Referred to Committee on Health.

And Grammation

AN ACT to amend 440.982 (1) (b) of the statutes; relating to: educational requirements for massage therapists and bodyworkers and providing an exemption from emergency rule procedures.

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Analysis by the Legislative Reference Bureau

Under current law, the department of regulation and licensing (DORL) is required to promulgate rules that specify the educational requirements that a person must satisfy in order to be eligible for a massage therapist or bodyworker license. The rules must require completion of a course of instruction in massage therapy or bodywork.

This bill specifies that the rules must require completion of the course of instruction at a school approved by DORL or the educational approval board.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- SECTION 1. 440.982 (1) (b) of the statutes is amended to read:
- 440.982 (1) (b) Promulgate rules establishing the education, training or competency requirements that an applicant for a license must satisfy in order to be

ASSEMBLY BILL 237

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applicant to complete at least 500 classroom hours of study in a course of instruction at a school of massage therapy or bodywork approved by the department or at a school approved by the educational approval board under s. 39.51 and the. The rules may require an applicant to pass an examination, administered or approved by the department, to determine fitness to practice massage therapy or bodywork.

Section 2. Nonstatutory provisions.

(1) Using the procedure under section 227.24 of the statutes, the department of regulation and licensing may promulgate rules under section 440.982 (1) (b) of the statutes for the period before the effective date of permanent rules promulgated under that section, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this subsection.

(END)

Shall successfully complete the National Contification Evan for incompetitic Massage and Bodywork offered by the National Contification Board for Therapeutic Massage and Bodywork, a substantially equivalent exam relating to the practice of massage therapy and bodywork that is accordited by the National Commission of Courtifying Agencies or as examination developed and administrated by the Agencies or as examination developed and administrated by the department. The Repartment may also require passage of an examination on state laws and administrative rules governing massage therapiers and body workers.

| D-NOTE) |
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| 1999 – 2000 LEGISLATURE LRB-462/1 MDK:jlg:km |
| 1999 - 2000 LEGISLATURE LRB-4524 MDK:jlg:km ASA to Stars (C.) (C.) (C.) (C.) (C.) (C.) (C.) (C.) |
| 1999 ASSEMBLY BILL 237 (5 00 3 2/1) |
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ASSEMBLY BILL 237

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SECTION 1

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issued a license of registration under this subchapter. The rules shall require an 2
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(END)

on state laws and administrative rules
governing

1999-2000 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

1

INSERT 2–4:

| | ^ /0 |
|---|---|
| 2 | The rules shall also require an applicant whose application is received after March |
| 3 | 1, 2000, to successfully complete the national certification examination for |
| 1 | therapeutic massage and bodywork that is offered by the National Certification |
| 5 | Board for Therapeutic Massage and Bodywork or a substantially equivalent |
| 3 | examination relating to the practice of massage therapy or bodywork that is |
| 7 | approved by the National Commission of Certifying Agencies of the National |
| 3 | Organization for Competency Assurance or that is developed and administered by |
| 9 | the department. |

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBs0032/1dn MDK://i...

Representative Miller:

This substitute amendment contains the following nonsubstantive differences from the language that was provided by Lisa Boyce:

- 1. The substitute amendment identifies the National Commission of Certifying Agencies as part of the National Organization for Competency Assurance.
- 2. The substitute amendment refers to an examination that is "approved", rather than one that is "accredited", because it seems to me that accreditation generally refers to organizations, rather than something produced by an organization, such as an examination.

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel Legislative Attorney Phone: (608) 266–0131

E-mail: Mark.Kunkel@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBs0032/1dn MDK;jlg;km

March 29, 1999

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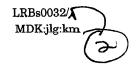
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State of Misconsin 1999 - 2000 LEGISLATURE



ASSEMBLY SUBSTITUTE AMENDMENT,

TO 1999 ASSEMBLY BILL 237



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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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| 1 | massage and bodywork that is offered by the National Certification Board for |
|------------------|--|
| 2 | Therapeutic Massage and Bodywork or a substantially equivalent examination |
| 3 | relating to the practice of massage therapy or bodywork that is approved by the |
| 4 | National Commission of Certifying Agencies of the National Organization for |
| (5) | Competency Assurance or that is developed and administered by the department. |
| 6 | The rules may also require an applicant to pass an examination, administered or |
| 7 | approved by the department, to determine fitness to practice on state laws and |
| 8 | administrative rules governing massage therapy or bodywork. |
| 9 | SECTION 2. Nonstatutory provisions. |
| 10 | (1) Using the procedure under section 227.24 of the statutes, the department |
| 11 | of regulation and licensing may promulgate rules under section 440.982(1)(b) of the |
| 12 | statutes for the period before the effective date of permanent rules promulgated |
| 13 | under that section, but not to exceed the period authorized under section 227.24 (1) |
| .14 | (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, |
| 15 | the department need not provide evidence of the necessity of preservation of the |
| 16 | public peace, health, safety or welfare in promulgating rules under this subsection. |
| 17 | (END) |